

MINUTES OF THE MEETING
OF THE
BOARD OF MEDICINE AND SURGERY

May 1, 2015

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairman, Jeff Howorth, at 9:00 a.m. on May 1, 2015, in the Lighthouse Room, Country Inn & Suites, 5353 N 27th Street, Lincoln, Nebraska. The following members answered the roll call:

Jeffrey L. Howorth, Chair
Carl V. Smith, MD – Vice-Chair
Mark D. Goodman, MD - Secretary
Merle J. Henkenius
Vonn E. Roberts, MD
Karen Higgins, MD

Absent: Judith Scott, DO
Michael Bittles, MD

A quorum was present and the meeting convened.

Also present to participate in the meeting: Julie Agena, Assistant Attorney General; Kathie Lueke, Program Manager, Licensure Unit; Kelli Dalrymple, Health Licensing Coordinator; Jeff Newman, Investigator; Kathy Krueger, Investigator, Program Manager, Investigations, Russ Fosler, Investigator, and Krissy Chapman, Kevin Griess, Department Legal Counsel and Anna Harrison, Compliance Monitor.

ADOPTION OF AGENDA

Smith moved, seconded by Higgins, to approve adoption of the agenda. Voting aye: Henkenius, Higgins, Howorth, Roberts, Smith, Goodman. Voting nay: none. Absent: Scott, Bittles. Motion carried.

APPROVAL OF MINUTES OF THE MEETING

Smith moved, seconded by Goodman, to approve the minutes of the meeting for March 13, 2015, with the stated changes. Voting aye: Henkenius, Higgins, Smith, Roberts, Howorth, Goodman. Voting nay: none. Absent: Scott, Bittles. Motion carried.

APPLICANT PRESENT TO DISCUSS

Dr. Scott Strasburger and his attorney of record, Melanie Whittamore-Mantzios were present to speak before the board.

9:12 am Michael Bittles joined the meeting.

INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, APPLICATION REVIEW

Roberts moved, seconded by Higgins, to go into closed session at 9:17 a.m. for the purpose of review of investigational and disciplinary reports and other closed session items as identified on the agenda.

Kevin Griess recused himself from the meeting at 9:17 a.m.

Roberts recused himself from the meeting at 9:21 a.m.
Roberts rejoined the meeting at 9:22 a.m.

Roberts recused himself from the meeting at 9:28 a.m.
Roberts rejoined the meeting at 9:32 a.m.

Higgins and Howorth recused themselves from the meeting at 9:32 a.m.
Higgins and Howorth rejoined the meeting at 9:35 a.m.

Roberts, Howorth and Julie Agena recused themselves from the meeting at 9:45 a.m.
Kevin Griess rejoined the meeting at 9:45 a.m.
Roberts, Howorth and Julie Agena rejoined the meeting at 9:54 a.m.

Returned to open session at 9:55 a.m.

INTRODUCTION OF NEW INVESTIGATORS FOR THE DEPARTMENT

The new investigators for the Investigations Department introduced themselves: Mindy Mahar-Clark, Laura Weber and Jessica Bowman were welcomed by the Board Members.

BOARD RECOMMENDATIONS ON APPLICATIONS FOR LICENSURE

Physician and Osteopathic Physician Application(s)

BIVENS, BRANDON - application for a license to practice medicine and surgery. Higgins moved, seconded by Smith, to recommend issuance of a license. Voting aye: Howorth, Smith, Higgins, Roberts, Bittles, Henkenius, Goodman. Voting nay: none. Absent: Scott. Motion carried.

CHOPRA, VINAY - application for a license to practice medicine and surgery. Smith moved, seconded by Goodman, to table pending further information. Voting aye: Smith, Higgins, Roberts, Goodman, Bittles, Henkenius, Howorth. Voting nay: none. Absent: Scott. Motion carried.

SAWHNEY, VICTOR - application for a license to practice medicine and surgery. Bittles moved, seconded by Smith, to recommend issuance of a license. Voting aye: Higgins, Roberts, Bittles, Henkenius, Howorth, Smith, Goodman. Voting nay: none. Absent: Scott. Motion carried.

BAUS, JOSEPH - application for a license to practice medicine and surgery. Smith moved, seconded by Goodman, to recommend issuance of a license on probationary status with the same terms the Temporary Educational Permit was issued on. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins. Voting nay: none. Absent: Scott. Motion carried.

MCNEELY, JONATHAN - application for a license to practice medicine and surgery. Bittles moved, seconded by Higgins, to recommend issuance of a license. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins. Voting nay: none. Absent: Scott. Motion carried.

MISKULIN, JOSEPH - application for a license to practice medicine and surgery. Smith moved, seconded by Goodman, to recommend issuance of a license. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins. Voting nay: none. Absent: Smith. Motion carried.

KASE, JAMES - application for a license to practice medicine and surgery. Higgins moved, seconded by Bittles, to recommend issuance of a license. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins. Voting nay: none. Absent: Scott. Motion carried.

NASH, ROBERT - application for a license to practice medicine and surgery. Goodman moved, seconded by Higgins, to recommend issuance of a license. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins. Voting nay: none. Absent: Scott. Motion carried.

VESA, ALLIN - application for a license to practice medicine and surgery. Goodman moved, seconded by Higgins, to recommend issuance of a license. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins. Voting nay: none. Absent: Scott. Motion carried.

LONG, THOMAS - application for a license to practice medicine and surgery. Henkenius moved, seconded by Goodman, to recommend issuance of a license. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins.

Voting nay: none. Absent: Scott. Motion carried.

SEABUL, RICKY - application for a license to practice medicine and surgery. Bittles moved, seconded by Goodman, to table a recommendation on this application pending further information. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins.

Voting nay: none. Absent: Scott. Motion carried.

BRYNIARSKI, MARK - application for a license to practice medicine and surgery. Smith moved, seconded by Goodman, to recommend issuance of a license. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins.

Voting nay: none. Absent: Scott. Motion carried.

BERKE, SARAH - application for a license to practice medicine and surgery. Higgins moved, seconded by Smith, to recommend issuance of a license. Voting aye: Roberts, Bittles, Henkenius, Goodman, Howorth, Smith, Higgins.

Voting nay: none. Absent: Scott. Motion carried.

Physician and Osteopathic Reinstatement Application

STRASBURGER, SCOTT - application for reinstatement of a license to practice medicine and surgery. Bittles moved, seconded by Smith, to recommend reinstatement of a license on probation for a period of five years. Conditions of the probation would include abstaining from alcohol and controlled substances, random body fluid screens, privilege verification from all the facilities where he will perform surgeries, semi-annual reports from the medical staff, support group meetings, and all other usual conditions for similar situations. Voting aye: Smith, Higgins, Bittles, Henkenius, Goodman. Voting nay: none. Abstain: Howorth, Roberts. Absent: Scott. Motion carried.

LEGISLATION UPDATE

LB37 – Adopt the Prescription Drug Safety Act and change and transfer pharmacy, prescription, and drug provisions. Update: signed by Governor; there will be a work session between the Pharmacy Board, Inspectors and the Nebraska Association prior to July.

LB80 – Provide, change, and eliminate anesthesia and sedation permit provisions under the Dentistry Practice Act.

LB107 – Eliminate integrated practice agreements and provide for transition-to-practice agreements for nurse practitioners.

LB114 – Redefine ambulatory surgical center and health clinic under the Health Care Facility Licensure Act

LB115 – Prohibit certain actions related to social security numbers

LB129 – Require criminal background checks for applicants for an initial nursing license
Update: signed by Governor

LB187 – Require DHHS and health care facilities to provide information regarding abortion.

LB196 – Change provisions relating to student loans and loan repayments.

LB211 – Authorize chiropractors to provide school entrance physical examinations and visual evaluations.

LB257 – Require insurers to provide descriptions relating to telehealth and telemonitoring.

LB258 – Adopt the Interstate Medical Licensure Compact License.

LB264 – Provide for issuance of credentials under the Uniform Credentialing Act based on military education, training or experience.

LB369 – Change provisions relating to impaired credential holders under the Uniform Credentialing Act.

LB390 – Provide for the use of medical marijuana as prescribed.

LB452 – Provide advertising requirements under the Uniform Credentialing Act.

LB471 – Change provisions relating to prescription drug monitoring.

LB643 – Adopt the Cannabis Compassion and Care Act.

COMMENTS FROM FSMB ANNUAL MEETING:

Mr. Henkenius stated it was a good meeting, he was the delegated voting member. Most Boards are appointed by Governor. Dr. Smith related that the two biggest discussions were the Interstate Compact Agreement and opiate use. The annual meeting for 2016 will be in San Diego, CA.

US SUPREME COURT RULING – NORTH CAROLINA BOARD OF DENTISTRY V. FEDERAL TRADE COMMISSION

Kevin state that his office and the AG office are conferring to discuss how this will effect board. Still discussing some of the topics, hopefully will have more of an update by the next meeting. Dr. Smith would like legal to address immunity for the Board Members. His opinion is for the Board not to issue or make decisions about Cease and Desists until they have immunity.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:28 a.m.

Respectfully submitted,

signature available upon request

Mark Goodman, MD
Secretary
Board of Medicine and Surgery